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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,184	06/26/2003	Kazuhito Kojima	21776-00033-US1	1598

30678 7590 07/01/2008

CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON, DC 20036

EXAMINER	
LIN, SHEW FEN	

ART UNIT	PAPER NUMBER
2166	

MAIL DATE	DELIVERY MODE
07/01/2008	PAPER

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/606,184
Filing Date: June 26, 2003
Appellant(s): KOJIMA ET AL.

Myron Keith Wyche
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 9, 2007 and April 17, 2008 appealing from the Office action mailed September 11, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,920,856	Syeda-Mahmood	7/6/1999
5,913,208	Brown et al.	6/15/1999
6,038,610	Belfiore et al.	3/14/2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1 and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Syeda-Mahmood (US Patent, 5,920,856) in view of Brown et al. (US Patent 5,913,208, hereinafter referred as Brown), and Belfiore et al. (US Patent 6,038,610, hereinafter referred as Belfiore).

As to claims 1 and 9, Syeda-Mahmood discloses a system with system/method of data retrieval by a user from a distributed database (distributed database used by multiple users, column 1, lines 6-9, column 4, lines 1-2), comprising:

collecting metadata and storing said metadata in a metadata database of a second server without storing the real data represented by said metadata (store metadata, indexing for database, in metadata server separating from multimedia database, Figure 1, item 2, column 4, lines 6-9, lines 17-21, column 5, lines 15-16);

extracting metadata that matches a user retrieval request from a user terminal by searching metadata stored in said metadata database (query meta-database, Figure 2, column 4, lines 23-26, column 5, lines 30-32, column 6, lines 49-51) and transmitting a retrieval result (mapping query to index, column 6, lines 66-67) including information of a location of the first server saving the metadata that matches said user retrieval request (list of database sites, for example, URL, column 2, lines 49-51, column 7, lines 3-4), to said user terminal (Figure 2, item 6, column 6, lines 30-33) ;

inputting a real data retrieval condition for the database on the basis of the retrieval result of the metadata transmitted to said user terminal (select from list of database that matched query and fed back to client for further filtering, Figure 3, item 19,column 5, lines 24-27, column 9, lines 32-33);

issuing a real data retrieval condition from said user terminal to the first server on the basis of said information of a location of a first server (transform query result form meta-database into forms for respective database, Figure 3, column 7, lines 14-16), wherein said real data retrieval condition is issued to said first server (retrieve data from multimedia database, first server, Figure 3, column 7, lines 17-18); by bypassing said second server and

retrieving, by the first server, the real data from the corresponding after converting said real data retrieval condition into a format which is concordant with the database (pose the query in the acceptable form of the target database and forward result to the user, Figure 1, column 7, lines 17-18, column 9, lines 21-38).

Syeda-Mahmood discloses real data stored in databases distributed on a network in first servers distributed on said network associated with each of said databases (web site database reads on first servers, Figure 1, item 7, column 5, lines 15-16, column 6, lines 10-13) but does not explicitly disclose saving metadata pertaining to real data stored in databases in first servers associated with said databases and collecting saved metadata. Belfiore discloses saving metadata (sitemap, a data block on the server that hold the index information about the document on the server, column 1, lines 31-37) pertaining to real data stored in first servers associated with each of said databases (column 2, lines 66-67, stores sitemap files at servers that hold web pages) and

sitemap files can be extracted by web crawler to build a index to the site (Figure 12, column 12, lines 57-67).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify Syeda-Mahmood's disclosure to store sitemap [metadata] associated with data in a same location as web page and collected saved sitemap to build a index to the site as taught by Belfiore for the purpose of providing site information for different applications; client computer, web search engine (Figures 11-12, column 1, lines 56-59, Belfiore). The skilled artisan would have been motivated to improve the invention of Syeda-Mahmood per the above such that metadata is created locally and available to different users.

Syeda-Mahmood does not explicitly disclose that search agent/engine and meta database are located in different server and the real data retrieval is issued by bypassing the second server. Brown discloses that index server (metadata server, index reads on metadata as index include an inverted file with one or more terms. Each of the terms is associated with one or more document identifiers, abstract) located separately with search agent/server (Figure 1, item 170, 175, 180, column 5, lines 53-60). Queries are entered at client (Figure 1, item 190, column 6, lines 1-9, Figure 3A, item 310) directing to web server (Figure 1, item 170), web server accesses index server (metadata server, Figure 1, item 180, column 4, lines 61-63) and forward retrieval result to client with database location (hit list, Figure 3B, item 350). The user selects the documents from hit list and retrieve those document without go through index server (column 1, lines 22-26, column 2, lines 57-61).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify Syeda-Mahmood's disclosure to store metadata as a separate server as taught by Brown for the purpose of providing access to index (metadata) for computers on the network and retrieve real data without go through index server (Figure 1, column 5, lines 15-22, Brown). The skilled artisan would have been motivated to improve the invention of Syeda-Mahmood per the above such that metadata can be easily accessed in a local/wide area network or World Wide Web.

As to claims 7 and 10, Syeda-Mahmood discloses wherein, when the metadata which is saved in the first servers and pertaining to the real data has been updated, said metadata is stored in said metadata database of said second server without storing the real data pertaining to said metadata (updated the metadata, "templates" of database and relay to the meta-database, column 6, lines 13-15).

As to claims 8 and 11, Syeda-Mahmood discloses wherein the metadata which is saved in the first server and pertaining to the real data is stored in said metadata database of said second server without storing the real data pertaining to said metadata at a predetermined time interval (periodically updated the metadata, "templates" of database and relay to the meta-database, column 6, lines 13-15).

(10) Response to Argument

This Examiner's Answer will address the arguments in the order in which they appear in the appeal brief.

Argument A. Syeda-Mahmood is deficient in that it does not disclose the limitations of the claimed invention indicated in the outstanding Office Action.

Appellant argues:

1) Syeda-Mahmood discloses no description that indicates the websites 1 provides metadata to web server 2.

2) Syeda-Mahmood does not disclose that metadata are kept by web sites 1 and gives no description on that metadata are collected from web sites 1 that the metadata be kept by the web sites.

3) Syeda-Mahmood does not disclose wherein said real data retrieval condition is issued to said first server by bypassing said second server.

The Examiner respectfully disagrees.

In response to argument 1), the Examiner respectfully submits that Syeda-Mahmood teaches web server (called meta-server) for integrating information from multimedia database sites for intelligent selection of such sites in response to queries (col. 4, lines 6-9) and the " meta-server" further consisting of a search agent and a meta-database. The meta-database records information needed for database site selection (col. 4, lines 17-21), i.e. a meta-database of database sites, and a meta-database 4 generated from database sites 8 (Fig. 2, col. 5, lines 30-31).

As such, Syeda-Mahmood clearly discloses that the websites 1 (Fig. 2, item 8, databases) provides metadata to the web server 2 (Fig. 2, meta-server).

In response to argument 2), it should be noted that the Examiner does not rely on Syeda-Mahmood to teach the limitation, "metadata are kept by the web sites 1". As indicated in the Final Office Action, Belfiore discloses storing sitemap files [metadata] at servers that hold web pages [real data] (col. 2, line 66-67). The combination of Syeda-Mahmood in view of Belfiore teaches the cited limitation "metadata are collected from the web sites 1 that the metadata be kept by the web sites" by collecting metadata from servers that hold the real data.

In response to argument 3), it should be noted that the Examiner does not rely on Syeda-Mahmood to teach the limitation "wherein said real data retrieval condition is issued to said first server by bypassing said second server". As indicated in the Final Office Action, Brown discloses that when processing queries, the search server needs to access just the database index, which may be located on the same computer as the search server or yet another computer on the network (col. 2, lines 21-26). The web server 170 uses a remote search engine 120 and index 130 (accessed via the network 105) to process the query (Fig. 1, 170, 175, col.6, lines 1-9). The combination of Syeda-Mahmood in view of Brown teaches the cited limitation, "wherein said real data retrieval condition is issued to said first server by bypassing said second server", i.e. as shown in Fig. 7 of Brown, once the metadata information is retrieved from index server (server 2), the real data (web page) can be retrieved directly from web sites (server 1) by passing the second server.

Argument B. Syeda-Mahmood teaches away from the claimed invention.

Appellant argues:

1) Syeda-Mahmood nowhere discloses that the real data retrieval request is directly sent from the client 3 to the databases 1 and operation of Syeda-Mahmood is in direct contrast to the claimed invention and undesirably increases the load on the web server 2.

The Examiner respectfully disagrees.

In response to argument 1), the Examiner respectfully submits that Brown discloses index [metadata] server is located independently of the documents, the client, and even the search server (Fig. 1, 170, 175, col.2, lines 56-57). Incorporate such a method of using a separate index server into the system of Syeda-Mahmood to locate meta-database on another computer/server as search agent, the web page then can retrieve directly from the corresponding web site (Brown, Fig. 7, col. 2, lines 57-61, A hit-list, generated as the result of searching the index, will typically identify the locations of the relevant documents on the Web, e.g. with hypertext links attributes, and the user will retrieve those documents directly with their Web browser).

Argument C. Neither Belfiore et al. nor Brown et al. can overcome all of the deficiencies of Syeda-Mahmood.

Appellant argues:

1) neither Brown et al. nor Belfiore et al. disclose that metadata are kept by web sites 1 and give no description on that metadata are collected from web sites 1 and that the metadata be kept by the web sites 1.

2) neither Brown et al. nor Belfiore et al. disclose wherein said real data retrieval condition is" issued to said first server by bypassing said second server

The Examiner respectfully disagrees.

In response to argument 1), the Examiner respectfully submits that Belfiore discloses storing sitemap files [metadata] at servers that hold web pages [real data] (col. 2, line 66-67). Syeda-Mahmood discloses meta-database 4 generated from database sites 8 (Fig. 2, col. 5, lines 30-31). Therefore, the combination of Syeda-Mahmood and Belfiore discloses generating meta-database by collecting the metadata stored at database site 8 [server].

In response to argument 2), the Examiner respectfully submits that Brown discloses index [metadata] server is located independently of the documents, the client, and even the search server (Fig. 1, 170, 175, col.2, lines 56-57). Incorporating such a method of using a separate index server into the system of Syeda-Mahmood to locate meta-database on another computer/server as search agent, the web page then can retrieve directly from the corresponding web site (Brown, Fig. 7, col. 2, lines 57-61, A hit-list, generated as the result of searching the index, will typically identify the locations of the relevant documents on the Web, e.g. with hypertext links attributes, and the user will retrieve those documents directly with their Web browser).

For the above reasons, the Examiner maintains that the rejection of claim 1 and 9 is proper, and should be sustained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Shew-Fen Lin/
Examiner, Art Unit 2166
July 1, 2008

Conferees:

/Eddie C Lee/
Supervisory Patent Examiner, TC 2100
Eddie C. Lee
TQAS/Appeals Specialist
TC 2100

/Hosain T Alam/
Supervisory Patent Examiner, Art Unit 2166